IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SE**COND APPEAL No.934 OF** 2003

Mr. M**. K. Bhagat & Ors. .... Appellant**

Vs.

Mrs. **T. S. Patil & ors. ... Respondent**

Mr. M. S. Karnik, advocate for appellant.

Mr. K. Y. Manadlik for respondent.

CORAM : Dr. S. RADHAKRISHNAN, J.

DATE : JUNE 20, 2006.

P.C.

. Heard the learned counsel for appellant and the respondent. Perused the decree of the trial Court and the order of lower appellate Court. Both the trial Court and lower appellate Court have held that original plaintiffs are entitled to partition and half share in the property. The lower appellate court also further held that trial Court ought to have included certain lands, which were wrongly excluded certain lands from partition, in paragraph 23, of lower appellate Court's order. The learned counsel appearing on behalf of appellant sought to contend that both the courts have failed to consider the material placed on record to establish that the appellant defendant no.1 and Kachru are adopted sons of Hasha. The trial Court and lower appellate Court have clearly held after going through pleadings of the defendant, that no such case of adoption was pleaded. The lower appellate court has also observed that there was no valid adoption. In the facts and circumstances, as there are concurrent findings of both trial and lower appellate Court, no substantial

question of law is involved in the appeal. Hence, appeal stands dismissed.

[Dr. S. RADHAKRISHNAN, J.]